

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

MICHEL RIDGELY,)	
Plaintiff,)	
)	Civil Action 5-1033 (GK)
v.)	
)	
ELAINE CHAO)	
Defendant)	

ANSWER TO AMENDED COMPLAINT

Defense One

Venue in the District of Columbia is not proper.

Defense Two

Plaintiff failed to timely contact an EEO counselor; therefore his claims are barred.

Defense Three

Plaintiff has failed to state a claim upon which relief can be granted since he has failed to allege adverse employment actions.

Defense Four

Plaintiff initially filed a grievance pursuant to the negotiated grievance procedure and thus his EEO claims concerning the same matter are barred.

Defense Five

Plaintiff's demand for a jury trial as to his age discrimination claims should be stricken as there is no right to a jury trial under the Age Discrimination in Employment Act.

Defense Six

Defendant answers the numbered paragraphs of plaintiff's complaint, using the same numeration, as follows:

1. Defendant admits that Plaintiff is employed by the U.S. Department of Labor.

Defendant denies the remaining allegations in this paragraph.

2. This paragraph contains Plaintiff's prayer for relief to which no answer is required; to the extent that an answer may be required the allegations are denied.

3. Paragraph 3 contains jurisdictional allegations to which no answer is required, but to the extent an answer may be deemed necessary, denied.

4. Denied. Plaintiff has not fulfilled the required conditions for filing this complaint as Plaintiff has not exhausted all administrative remedies for all claims alleged. Additionally, Plaintiff's claims regarding the alleged sexual harassment, verbal and physical altercation are barred as he filed a grievance regarding these allegations. Defendant admits that as a result of Plaintiff's present civil action, CRC Complaint No. 00-11-152 was dismissed on August 4, 2005. CRC Complaint No. 03-11-111 was dismissed on February 23, 2005, as the CRC found that the issue was moot, pursuant to 29 C.F.R. 1614.107(a)(5).

5. Paragraph 5 contains allegations of venue in the District of Columbia to which no answer is required, but to the extent an answer may be deemed necessary, denied. Defendant further avers that Plaintiff is employed by MSHA whose headquarters is in Arlington, Virginia. The alleged discriminatory acts took place in Arlington, Virginia, and Plaintiff's personnel records are maintained in Arlington, Virginia.

6. Admitted that Plaintiff is employed by the U.S. Department of Labor, Mine Safety

and Health Administration, Arlington, Virginia, as a Civil Penalty Compliance Specialist, GS-12, Step 4. Plaintiff has been employed by the Department for over 30 years. As to the remaining allegations, Defendant is informed and believes that Plaintiff is a naturalized citizen of the United States and is 54 years of age.

7. Admitted.

8. Defendant admits that Plaintiff filed CRC Complaint No. 00-11-152 in July 2000, which was subsequently in supplemental investigation status. The CRC issued a Report of Investigation setting forth Plaintiff's allegations. Defendant denies that the Report of Investigation verifies the allegations of discrimination. Defendant is without information or belief to admit or deny the remaining allegations in this paragraph.

9. Defendant admits that Plaintiff filed CRC Complaint No. 03-11-111 in May 2003, which was dismissed on February 23, 2005. The CRC issued a Report of Investigation setting forth Plaintiff's allegations. Defendant denies the remaining allegations in this paragraph.

10. Denied.

11. Defendant admits that O'Keitha Douglas became Plaintiff's immediate supervisor in July 2000. Defendant denies the remaining allegations in this paragraph.

The remainder of plaintiff's complaint contains his prayer for relief, to which no answer is necessary, but to the extent an answer is deemed necessary, denied.

Defendant hereby specifically denies each and every allegation contained in plaintiff's amended complaint not specifically admitted herein.

Respectfully submitted,

KENNETH L. WAINSTEIN, D.C. BAR # 451058
United States Attorney

R. CRAIG LAWRENCE, D.C. BAR # 171538
Assistant United States Attorney

RHONDA C. FIELDS
Assistant United States Attorney
Civil Division
555 Fourth Street, N.W.
Washington, D.C. 20530
202/514/6970